IN THE HIGH COURT OF BOMBAY AT GOA
*****

FIRST APPEAL NO. 41 OF 2002

The Executive Engineer,
Goa Central Division,
C.P.W.D., Bambolim,
Tiswadi, Goa.
... Appellant

Versus

Comunidade of Bambolim
through its Attorney,
with his office at post
Curca, Babolim, Goa. ... Respondent.

Mr. V. P. Thali, Senior Central Government Standing Counsel for the appellant.

Mr. A. R. Kantak, advocate for the respondent.

CORAM : B. H. MARLAPALLE &
N. A. BRITTO, JJ.

DATE : 13th September, 2004.

ORAL JUDGMENT (Per Marlapalle, J.)

For the reasons set out in our Judgment in First Appeal No. 40 of 2002, the Appeal is partly allowed. We quash and set aside the impugned Award dated 17th September, 2001, in Land Acquisition Case No.78/1992 and remand the Reference for fresh adjudication to the learned District Judge. We direct the first Joint Mamlatdar, Panaji, to decide the pending reference regarding tenancy as per law as expeditiously as possible, but in any case, within a period of three months from today. The learned District Judge will also decide the reference afresh within six months from today, after hearing the parties concerned and decide the market value of the subject land.

2. A copy of this Order be forwarded to the First Joint Mamlatdar alongwith the writ to the Court below.

B. H. MARLAPALLE, J.

N. A. BRITTO, J.

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